Supreme Court, U.S.
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No. 92-52

In The

Supreme Court of the United States

October Term, 1992

COLUMBIA GORGE UNITED – PROTECTING PEOPLE AND PROPERTY,

Petitioner,

v.

EDWARD R. MADIGAN, SECRETARY OF AGRICULTURE, ET AL.,

Respondents.

Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF FOR THE DEFENDANT-INTERVENOR, FRIENDS OF THE COLUMBIA RIVER GORGE, INC., IN OPPOSITION

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QUESTION PRESENTED

Pursuant to the Columbia River Gorge National Scenic Area Act, 16 U.S.C. § 544 *et seq.*, Congress granted its consent to an interstate compact between the States of Washington and Oregon, subject to the condition that the States form a commission in accordance with a prescribed regulatory framework to address land management issues within the Columbia River Gorge Scenic Area. The question presented is whether the Act is within the scope of Congress's powers under Articles I and IV of the Constitution.

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OPINIONS BELOW

The opinion of the court of appeals is reported at 960 F.2d 110. The opinion of the district court is reported at 20 Envtl. L. Rep. (Envtl. L. Inst.) 21,162.

JURISDICTION

The judgment of the court of appeals was entered on March 30, 1992. The petition for a writ of certiorari was filed on June 29, 1992. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Defendant-Intervenor, Friends of the Columbia River Gorge, Inc. (the "Friends"), adopts the Statements of the Federal and State Respondents in their briefs in opposition.

ARGUMENT

The Friends urge the Court to deny plaintiffs' petition for a writ of certiorari for the reasons set forth in the briefs of the Federal and State Respondents in their briefs in opposition.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

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